

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

PAULA DISBERRY,

Plaintiff,

v.

EMPLOYEE RELATIONS COMMITTEE
OF THE COLGATE-PALMOLIVE
COMPANY, ALIGHT SOLUTIONS, LLC,
AND THE BANK OF NEW YORK
MELLON CORPORATION,

Defendants.

Case No. 22-CV-5778-CM-OTW

Notice of Motion to Dismiss

**Notice of the Employee Relations Committee of
Colgate-Palmolive Company's Motion to Dismiss**

Comes now the Employee Relations Committee of the Colgate-Palmolive Company (the "Committee"), one of the Defendants herein, pursuant to Local Civil Rule 7.1, and provides notice of its Motion to Dismiss Plaintiff's Complaint pursuant to Fed.R.Civ.P. 12(b)(6).

1.

The Committee moves to dismiss Plaintiff's complaint pursuant to Fed.R.Civ.P. 12(b)(6) on the grounds that it fails to state a claim upon which relief can be granted.

2.

The Committee seeks an order dismissing her claim for breach of fiduciary duty, with prejudice, on the grounds that she has failed to pled facts, which, if proven, would show a fiduciary breach by the Committee or a causal connection between the alleged breach and her alleged loss.

3.

The Committee also seeks an order dismissing Plaintiff's complaint for failure to exhaust mandatory administrative remedies. In the alternative, the Committee seeks a stay of this matter pending completion of the administrative process.

4.

The grounds for the Committee's motion are more fully set forth in its memorandum of law, filed contemporaneously herewith.

5.

The exhibits supporting the Committee's motion are tabbed and indexed and filed contemporaneously herewith.

This 15th day of September, 2021.

/s/ Patrick C. DiCarlo
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CERTIFICATE OF SERVICE

I certify that on September 15, 2022, I filed in this action the foregoing **NOTICE OF MOTION TO DISMISS PURSUANT TO RULE 12(b)(6)** electronically via the Court's ECF System. Notice of this filing will be sent in this action by operation of the Court's electronic system to all counsel of record in the ECF System.

Respectfully Submitted,

/s/ Patrick C. DiCarlo

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